IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2150 of 2005

Between:

The Bheemadole Sugars Staff and Workers Union,

Regd. No. G-1900 (Recognised), Rep. by its President Sri Pagadala Venkataratnam Naidu, S/o. Kesavarao, R/o. Eluru.

..... PETITIONER

AND

1. The Principal Secretary to Government,

Chairman, Public Enterprises (IS), Department, Andhra Pradesh,

Secretariat, "D" Block, Hyderabad.
2. The Commissioner and Director of Sugar and Cane,

Commissioner Registrar of Co-operative Societies, Hyderabad.
3. The Managing Director, The West Godavari Co-operative Sugars Limited,
   Surappagudem, Bhimadole Mandalam, West Godavari District.
4. The Chairman and Managing Director,

The Andhra Sugars Limited, Unit-III,
Surappagudem, Bhimadole, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders or direction or writ more particularly one in the nature of *Writ of Mandamus* declaring the action of the respondents 1 to 3 in closing down the 3rd respondent-factory without following due procedure contemplated in section 25-F, 25-FF(A), and 25-FFF of I.D., Act, 1947 as illegal, arbitrary and consequentially direct the respondents to follow the statutory provisions.

Counsel for the Petitioner: MR.M.L.ALI

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court made the following:

ORDER:

Challenging the action of the respondents 1 to 3 in closing down the 3rd respondent-factory without following due procedure contemplated in section 25-F, 25-FF (A), and 25-FFF of I.D. Act, 1947, the present writ petition is filed.

2 . Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 1 and 2.

3. It is brought to the notice of this Court that the Sugar factory has already been sold to fourth respondent. The grievance of the petitioner is that the respondents 1 to 3 have not followed the procedure under Section 25-F, 25-FF (A), and 25-FFF of I.D. Act, 1947. It is not the question of closing down the factory by respondents 1 to 3. Since the factory has already been sold to fourth respondent, the grievance if any of the petitioner, has to be established and has to be determined by the Competent Authority. Therefore, the writ petition is totally devoid of merits and is liable to be dismissed.

4. With the above observation, the writ petition is dismissed at the admission stage. No costs.

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(K.C. BHANU, J)

Date: 10.02.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary to Government,

Chairman, Public Enterprises (IS), Department, Andhra Pradesh,

Secretariat, "D" Block, Hyderabad.
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Surappagudem, Bhimadole, West Godavari District.

5. Two C. Cs to G.P. for G.P. for Industries and Commerce, High Court

Buildings, Hyderabad (OUT).

6. 2 CD copies

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